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February 2, 2016

- Via Electronic Case Filing -

Honorable Cecelia G. Morris
Chief United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004

**Re: Robert L. Geltzer, as Chapter 7 Trustee of ContinuityX, Inc. et. al.
v. Greenwave Concepts
Adversary Proceeding No. 15-01056 (REG)**

Dear Judge Morris:

This office represents Robert L. Geltzer, as Chapter 7 Trustee, the Plaintiff in the above-referenced adversary proceeding.

Pursuant to Judge Gerber's enclosed December 18, 2015 Order, on or before February 2, 2016, the Trustee is required to notify Defendant's counsel and the Court as to whether the Trustee will discontinue the adversary proceeding. The Trustee hereby reports that it is premature to discontinue the action at this time, in view of the fact that the Trustee has not yet received documents requested from SBC Global Services, Inc. d/b/a AT& Global Services ("AT&T"). The Trustee's subpoena served upon AT&T requires documents concerning the Defendant to be produced by AT&T on or before February 22, 2016. The Trustee anticipates that he will know whether he will pursue or discontinue the adversary proceeding prior to the next pre-trial conference, which is currently scheduled for March 8, 2016.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jill Makower".

Jill Makower

JM:sn

Enclosure

cc: Roland Jones, Esq. (via email)

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to the Chapter 7 Trustee

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In re

CONTINUITYX, INC., et al.,

Debtors.¹

-----X
**ROBERT L. GELTZER, as CHAPTER 7
TRUSTEE of CONTINUITYX, INC.,
CONTINUITYX SOLUTIONS and
METAMORA CLOUD SERVICES, INC.,**

Plaintiff,

-against-

GREENWAVE CONCEPTS LLC,

Defendant.

-----X

Chapter 7

Case No. 13-10458 (REG)

Jointly Administered

Adv. Pro. No. 15- 01056 (REG)

**ORDER SCHEDULING NEW PRETRIAL CONFERENCE
AND GRANTING RELATED RELIEF**

WHEREAS discovery ended in the above-captioned adversary proceeding (the
“Adversary Proceeding”) on October 21, 2015;

¹ The other Debtors in these jointly administered cases are ContinuityX Solutions, Inc. (Case No. 13-10455 (REG)) and Metamora Cloud Services, Inc. (Case No. 13-10459 (REG)).

WHEREAS on December 14, 2015, Defendant filed a letter requesting a pre-motion conference seeking authority to move for summary judgment dismissing the Complaint herein, and on December 14, 2015, the Court entered an Endorsed Order directing that the Court would hear discussion of that request at the pre-trial conference to be held on December 15, 2015;

WHEREAS a pre-trial conference in the Adversary Proceeding was held before this Court on December 15, 2015; it is hereby

ORDERED that the next pre-trial conference in the Adversary Proceeding shall take place before this Court on February 23, 2016 at 9:45 a.m; and it is further

ORDERED that Defendant's request for a pre-motion conference is hereby held in abeyance until the February 23, 2016 pretrial conference; and it is further

ORDERED that on or before February 2, 2016, the Trustee shall notify Defendant's counsel by letter, and shall notify the Court, as to whether the Trustee will discontinue the Adversary Proceeding.

Dated: New York, New York
December 18, 2015

s/ Robert E. Gerber
Honorable Robert E. Gerber
United States Bankruptcy Judge